

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VIOLET HERNANDEZ, INDIVIDUALLY,
And AS MOTHER and NEXT FRIEND
OF MINOR CHILDREN I.G. and J.G.

Plaintiffs,

-vs-

THE VILLAGE OF CARPENTERSVILLE, a
Municipal Corporation, CARPENTERSVILLE
POLICE OFFICERS THOMAS HEITKAMP,
No. 154, J. NILES, No. 195, SGT. GONZALEZ,
No. 181, and Det. E. ACOT, No. 125,

Defendants.

Case No.: 19-cv-05335

Jury Trial Demanded

PLAINTIFFS' MOTION FOR DISMISSAL PURSUANT TO FRCP 41

NOW COME Plaintiffs by and through their attorney Keenan J. Saulter, of Saulter Law P.C., and for their Motion to Dismiss Pursuant to FRCP 41 states as follows:

1. The parties to this matter have reached a Settlement to resolve all issues and claims in this matter.
2. The Settlement Agreement was executed by all parties on August 27, 2020.
3. As a condition of the Settlement and because two of the three Plaintiffs are Minors, the Settlement Agreement must be approved by the Circuit Court of Kane County, Illinois Probate Division.
4. The probate matter was set for a Motion to Approve the Settlement Agreement on September 25, 2020—however the probate court continued the matter

for approval until October 8, 2020—due to a staffing issue.

5. The Plaintiffs expect that the Settlement Agreement will be Approved by the Kane County Probate Court on October 8, 2020.

6. Once the Settlement Agreement has been approved, the parties anticipate that all the terms of the Settlement Agreement will be satisfied by October 30, 2020.

7. As such, Plaintiffs move this Honorable Court to Dismiss this Matter Without Prejudice with leave to reinstate it on or before October 30, 2020.

8. Further, in the event a motion to reinstate is not filed on or before October 30, 2020, the Plaintiffs request that this matter shall be deemed dismissed with prejudice without further order of this Honorable Court.

9. Plaintiffs are submitting a Proposed Draft Order of Dismissal to this Court simultaneously with the filing of this Motion.

WHEREFORE for the foregoing reasons Plaintiffs respectfully request that this mater be Dismissed Without Prejudice pursuant to FRCP 41 and any other such relief as this Court deems just and proper.

By: /s/ Keenan J. Saulter

Attorney for Plaintiff

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the following document:
Plaintiffs' Motion to Dismiss Pursuant to FRCP 41 was served on September 27, 2020, in accordance with Fed. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the District Court's system as to ECF filers.

By: /s/ Keenan J. Saulter

Attorney for Plaintiff

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